

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA. 95814

June 14, 1988

ALL COUNTY LETTER NO. 88-61

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FOOD STAMP COORDINATORSSUBJECT: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM
QUESTIONS AND ANSWERS 1-23


In response to the numerous questions the Department has received about the Food Stamp Employment and Training Program, a system has been developed for distribution of policy interpretations. This letter transmits the answers to questions 1-23 of the new Food Stamp Employment and Training (FSET) Question and Answer Distribution System. Also transmitted are three cross-indices:

- 1) an alphabetical index by subject
- 2) an index by manual section, and
- 3) an index by question number.

The questions and answers have been selected from FS Policy Interpretation forms (FS 3), letters, telephoned questions, and information received from the Food and Nutrition Service (FNS) since the inception of the FSET Program, and include those that are of statewide interest. We will periodically provide a general distribution of new questions and answers and provide index updates to keep Counties abreast of FSET program developments.

This distribution of FSET Questions and Answers will assist in assuring statewide uniformity in implementation of the program, and we trust that it will be helpful to your County. We will continue to provide Counties with answers to individual questions as they are received.

Please direct any questions regarding the program to your GAIN and Employment Services Operations Bureau Analyst (list attached). For questions regarding the FSET Question and Answer Distribution System, Mr. Larry Nelson of the GAIN and Employment Services Policy Bureau may be reached at (916) 323-5206.



DENNIS J. BOYLE
Deputy Director

Attachments

cc: CWDA

GAIN AND EMPLOYMENT SERVICES OPERATIONS BUREAU
County Operations Analyst

<u>COUNTY</u>	<u>ANALYST</u>	<u>PHONE</u>
Alameda	Jessie Mar	(916) 323-3969
Alpine	Tony Cervantes	323-3966
Amador	Ellie Kemp	324-2654
Butte	Ivy Wagner	324-0658
Calaveras	Mauricio Leiva	445-4060
Colusa	Carl Thomas	324-2417
Contra Costa	Tony Cervantes	323-3966
Del Norte	Nan Davenport	445-2608
El Dorado	Barbara Barbee	445-9902
Fresno	Tony Cervantes	323-3966
Glenn	Kathryn Solorzano	445-9908
Humboldt	Jessie Mar	323-3969
Imperial	Jeanette Sproul	445-2525
Inyo	Mike Aicega	323-6637
Kern	Jeanette Sproul	445-2525
Kings	Mike Ellison	323-3972
Lake	Ray Christensen	323-6554
Lassen	Ray Christensen	323-6554
Los Angeles	Mary Alim	324-1044
Madera	Barbara Nakano	445-9901
Marin	Pat McCarthy	445-9910
Mariposa	Joelyn Walters	324-6840
Mendocino	Joelyn Walters	324-6840
Merced	Alan Rowe	323-0381
Modoc	Alan Rowe	323-0381
Mono	Jessie Mar	323-3969
Monterey	Kathryn Solorzano	445-9908
Napa	Tony Cervantes	323-3966
Nevada	Barbara Barbee	445-9902
Orange	Ellie Kemp	324-2654
Placer	Alan Rowe	323-0381
Plumas	Joelyn Walters	324-6840
Riverside	Mauricio Leiva	445-4060
Sacramento	Mike Ellison	323-3972
San Benito	Ivy Wagner	324-0658
San Bernardino	Mauricio Leiva	445-4060
San Diego	Jeanette Sproul	445-2525
San Francisco	Ellie Kemp	324-2654
San Joaquin	Pat McCarthy	445-9910
San Luis Obispo	Mike Aicega	323-6637
San Mateo	Carl Thomas	324-2417
Santa Barbara	Barbara Nakano	445-9901
Santa Clara	Kathryn Solorzano	445-9908
Santa Cruz	Barbara Nakano	445-9901
Shasta	Barbara Barbee	445-9902
Sierra	Mike Aicega	323-6637
Siskiyou	Ivy Wagner	324-0658
Solano	Carl Thomas	324-2417
Sonoma	Ivy Wagner	324-0658
Stanislaus	Mike Ellison	323-3972
Sutter	Ruben Solorio	445-9907
Tehama	Nan Davenport	445-2608
Trinity	Ruben Solorio	445-9907
Tulare	Mauricio Leiva	445-4060
Tuolumne	Ray Christensen	323-6554
Ventura	Ray Christensen	323-6554
Yolo	Alan Rowe	323-0381
Yuba	Ruben Solorio	445-9907

FSET QUESTIONS AND ANSWERS BY QUESTION NUMBER

Question	Manual Reference 63-	Subject
1	407.1 407.2 407.32	Work registration documentation
2	407.511 407.512 407.513	Principal work registrant
3	407.854	Applicant placement
4	407.1 407.811(c)(7)	Work registration, pregnant women
5	407.21(f)	Drug/alcohol program, exemption
6	407.85	Weekly job contact requirements
7	407.83	Participant reimbursement
8	407.82 407.843(f)	Assignment to orientation meeting
9	407.41	Households receiving "zero" benefits
10	407.811(c)(1)	Deferrals, lack of child care
11	407.55	Length of sanction period
12	407.1 407.814 407.82	Recertification, application for
13	407.55 407.56	Sanctions, move to another county
14	407.623(d)	Ending disqualification
15	407.623	Ending disqualification
16	407.21(a)(1)	Exemptions, 16 & 17-year-olds
17	407.56 407.55	Applicant failure to comply
18	407.21(g)	Exemption, working 30 hrs. per week
19	407.623(d)	Disqualification, ending
20	407.21(h)	Work registration exemption, student
21	407.62 408.62	Disqualification, avoiding a
22	407.52 407.53	Sanctions, concurrent
23	407.56	NOA, multiple noncompliance

FSET QUESTIONS AND ANSWERS BY MANUAL REFERENCE

Manual Reference 63-	Question	Subject
407.1	1	Work registration documentation
	4	Work registration, pregnant women
	12	Recertification, application for
407.2	1	Work registration documentation
407.21(f)	5	Drug/alcohol program, exemption
407.21(a)(1)	16	Exemptions, 16 & 17-year-olds
407.21(g)	18	Exemption, working 30 hrs. per week
407.21(h)	20	Work registration exemption, student
407.32	1	Work registration documentation
407.41	9	Households receiving "zero" benefits
407.511	2	Principal work registrant
407.512		
407.513		
407.52	22	Sanctions, concurrent
407.53		
407.55	11	Length of sanction period
	13	Sanctions, move to another county
	17	Applicant failure to comply
407.56	13	Sanctions, move to another county
	17	Applicant failure to comply
	23	NOA, multiple noncompliance
407.62	21	Disqualification, avoiding a
407.623	15	Ending disqualification
407.623(d)	14	Ending disqualification
	19	Disqualification, ending
407.811(c)(7)	4	Work registration, pregnant women
407.811(c)(1)	10	Deferrals, lack of child care
407.814	12	Recertification, application for
407.82	8	Assignment to orientation meeting
	12	Recertification, application for
407.83	7	Participant reimbursement
407.843(f)	8	Assignment to orientation meeting
407.85	6	Weekly job contact requirements
407.854	3	Applicant placement
408.62	21	Disqualification, avoiding a

FSET QUESTION AND ANSWER INDEX BY SUBJECT

Subject	Question	Manual Reference 63-
Applicant failure to comply	17	407.55 407.56
Applicant placement	3	407.854
Assignment to orientation meeting	8	407.82 407.843(f)
Deferrals, lack of child care	10	407.811(c)(1)
Disqualification, avoiding a	21	407.62 408.62
Disqualification, ending	19	407.623(d)
Drug/alcohol program, exemption	5	407.21(f)
Ending disqualification	14	407.623(d)
Ending disqualification	15	407.623
Exemption, working 30 hrs. per week	18	407.21(g)
Exemptions, 16 & 17-year-olds	16	407.21(a)(1)
Households receiving "zero" benefits	9	407.41
Length of sanction period	11	407.55
NOA, multiple noncompliance	23	407.56
Participant reimbursement	7	407.83
Principal work registrant	2	407.511 407.512 407.513
Recertification, application for	12	407.1 407.814
Sanctions, move to another county	13	407.82 407.55 407.56
Sanctions, concurrent	22	407.52 407.53
Weekly job contact requirements	6	407.85
Work registration documentation	1	407.1 407.2 407.32
Work registration exemption, student	20	407.21(h)
Work registration, pregnant women	4	407.1 407.811(c)(7)

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 1

MANUAL REFERENCE: 63-407.32
63-407.1
63-407.2

SUBJECT: Work Registration Documentation

DATE: February 19, 1988

QUESTION:

1. Since the work registration form (DE 8435 FS) is no longer used, how shall work registration be documented?
2. How are exemptions from registration identified?
3. Some persons are registered but deferred from participation in FSET. How is this status documented?
4. How are changes in registration status, such as loss of exemption, documented?

ANSWER:

1. Work registration status is noted on the application form, DFA 285-A2. Any type of notation is acceptable, so long as it is identifiable as the work registration status for an individual household member.
2. Household members exempt from work registration shall be identified on the DFA 285-A2 form by use of the work exemption codes, listed on the right hand side of the form. It will be necessary to use an additional code, "j", for those who are exempt because they are 16 or 17 years old, and are not the head of household, or are the head of the household, but are in school or in a training program.
3. For reporting purposes, those persons who are deferred from participation in FSET, in accordance with Section 63-407.811, will need to be identified by reason for deferral. This can be accomplished through use of a county generated code, or other notation on the DFA 285-A2 or in the case file.
4. Changes in work registration status may be shown on the DFA 285-A2 or noted elsewhere in the case file.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 2

MANUAL REFERENCE: 63-407.511
63-407.512
63-407.513

SUBJECT: Principal Work Registrant

DATE: February 19, 1988

QUESTION:

A food stamp household (HH) consists of the following:

- HH Member A. 35 year old working 15 hours weekly at minimum wage.
- HH Member B. 19 year old working 30 hours weekly at \$4.00 an hour. He is under parental control of HH member "C".
- HH Member C. 40 year old AFDC mother, registered with GAIN.
- HH Member D. 10 year old AFDC child, under parental control of HH member "C".

HH member "A" fails, without good cause, to comply with a work registrant requirement.

1. Would 63-407.511 preclude "A" from being the principal work registrant (PWR)?
2. Does 63-407.513 prohibit "B" from being the PWR ?
3. Per 63-407.512, if the HH designates as the PWR someone who is either exempt from work registration or cannot be the PWR per 63-407.513, can the HH be asked to designate a non-exempt member?
4. Once the HH designates a PWR, are there any time limits to this designation?
5. If the designated PWR is exempt from work registration, is that member then required to work register?

Question Number 2
Continued

ANSWER:

1. Yes. HH member "A" may not be designated the PWR since he is not working at least 20 hours per week.
2. Yes. The regulations in 63-407.513 prohibit a person of any age from being considered the PWR if they are living with a parent who is: registered for work; exempt from work registration because they are participating in a Title IV work program; exempt from work registration because they are receiving Unemployment Compensation; or, are working at least 30 hours per week.
3. No. Since no one in this household meets the definition of PWR, the household may designate whom they wish, with the exception of a person under parental control. In this situation, the household has a choice of naming either the 35 year-old who committed the violation, or the 40 year-old GAIN registered mother.
4. Yes. Designation of a PWR is only for purposes of applying appropriate sanctions when an incident of failure to comply with work registrant requirements, or a voluntary quit occurs. The designation must be made each time such a situation arises. The PWR could be a different person each time, depending on the household composition, and work history.
5. No. In the situation described above, HH member "C" is exempt from food stamp work registration under MPP 63-407.21(c). If designated by the HH as PWR, she would remain exempt as she is still registered in GAIN and has not failed to comply. The sanction would be imposed only on HH member "A", the individual who committed the violation. If, however, "A" were named by the household as the PWR, the entire household would be sanctioned, in accordance with 63-407.52.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 3

MANUAL REFERENCE: 63-407.854

SUBJECT: Applicant Placement

DATE: February 19, 1988

QUESTION:

The initial job search period (up to eight weeks) starts with the date of application, and may extend beyond the date when eligibility is determined. May any job search activity that is assigned within this initial period be counted as an Applicant Job Search without regard to the date when eligibility is determined?

ANSWER:

No. The assignment must be made within 30 days of the filing of the application in order to be counted as an Applicant Job Search. The regulations in MPP 63-301.1 specify that an application shall be acted upon within 30 days, unless certain mitigating circumstances are present. This is the period during which a household can be considered an applicant household. However, if the application has not been acted on within 30 days, the assignment may be made any time prior to rendering a decision on the application.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 4

MANUAL REFERENCE: 63-407.1
63.4-7.811(c)(7)

SUBJECT: Work Registration - Pregnant women

DATE: February 19, 1988

QUESTION:

Do pregnant women need to be work registered, and participate in FSET?

ANSWER:

They are not exempt from work registration by reason of pregnancy. However they are deferred from participation in FSET under MPP 63-407.811(c)(7) - "Temporary illness or disability".

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 5

MANUAL REFERENCE: 63-407.21(f)

SUBJECT: Determining participation in drug or alcohol program

DATE: February 19, 1988

QUESTION:

Per regulation, a person who is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program is exempt from work registration:

1. How is drug addiction or alcoholic treatment and rehabilitation program defined?
2. Does the person have to be in a residential treatment program in order to be exempt?
3. How is "regular participant" defined?
4. Are AA, Al-Anon, and methodone programs included in this regulation?

ANSWER:

1. Drug addiction or alcoholic treatment and rehabilitation program is defined in accordance with MPP 63-102(d)(6). For purposes of determining exemption from work registration, participation in such program must preclude employment of at least 30 hours per week.
2. No, the person need not be in a residential program to be exempt.
3. A regular participant is one whose participation precludes employment of at least 30 hours per week.
4. Participation in Alcoholics Anonymous, Al-Anon, or methodone maintenance programs usually does not preclude employment, and therefore would not exempt the participant from work registration.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 6

MANUAL REFERENCE: 63-407.85

SUBJECT: Weekly job contact requirements

DATE: February 19, 1988

QUESTION:

Can FSET assignments be given on a weekly or monthly basis, and can an individual or household be disqualified for failing to comply with a weekly or monthly assignment? For example, in a Job Search component which requires 24 contacts in 8 weeks: a) can the County Welfare Department (CWD) assign 3 per week, and require the participant to check in weekly, and, b) can a Notice of Adverse Action (NOAA) be sent if the weekly assignment is not met?

ANSWER:

Yes. MPP 63-407.85 does not prohibit the CWD from determining participation requirements as long as they are within the minimum and maximum requirements specified in this section. The CWD may require the participant to report weekly, monthly, or within another time period and may impose a sanction for failure to comply. An NOAA must be sent whenever an individual or household is disqualified. Per MPP 63-407.62, however, the sanction must be "curable", and the participant be provided the opportunity to have benefits reinstated when the component is resumed.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 7

MANUAL REFERENCE: 63-407.83

SUBJECT: Participant reimbursement

DATE: February 19, 1988

QUESTION:

1. If an individual or household is found to be ineligible for Food Stamps after they have participated in FSET, would the \$25.00 work expense allowance be considered an overpayment?
2. If participant reimbursement is issued in advance, and has not been spent for work related expenses, is it considered an overpayment?

ANSWER:

1. No. The fact that the person was found ineligible for Food Stamps does not make the work expense allowance an overpayment. If the person has participated in FSET it should be assumed that the participant reimbursement was spent for work related expenses. The County does not need to require verification of these expenditures.
2. If the participant reimbursement was issued in advance, and was not used for its intended purpose, it is counted as income to the household in the month received, pursuant to Section 63-502.133.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 8

MANUAL REFERENCE: 63-407.82
63-407.843(e)

SUBJECT: Assignment to orientation meeting

DATE: February 19, 1988

QUESTION:

Would the assignment of an applicant to an orientation meeting, which provides explanation of rights and responsibilities and job search requirements, count as an assignment to FSET for purposes of reporting placements?

ANSWER:

The assignment may be counted as a placement if the person was registered at the point of application, given a written statement of rights and responsibilities, and if the orientation is a part of an FSET Job Search or Job Club component.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 9

MANUAL REFERENCE: 63-407.41

SUBJECT: Households receiving "zero" benefits

DATE: February 19, 1988

QUESTION:

1. Because of retrospective budgeting, some recipient households may receive zero (0) benefits for a given month. Are they required to participate in FSET during this month if they would otherwise have been required to do so?
2. Can an applicant who is certified eligible be required to participate in FSET during the month of application if no benefits are authorized?

ANSWER:

1. When a household's benefits are suspended for one month because of temporary receipt of excess income (MPP 63-504.37), participation in FSET should also be suspended. The household is ineligible for benefits during that month. The members need not be "deregistered" and "reregistered" again the next month, since registration is automatic, and an individual is counted as registered only once in a fiscal year.

An individual may continue participation if s/he wishes. For example, if in a training program, s/he may want to complete the course. Under these circumstances no sanctions may be applied for failing to comply. Although that person would actually be a volunteer during this month, s/he is not reported as a volunteer. S/he has already been reported as a mandatory participant, and the placement has already been counted.

2. Federal regulations provide the authority to assign work registrants to an Applicant Job Search component, which begins at the time of application, and may extend beyond the date that eligibility is determined. Therefore, an individual who has not completed an Applicant Job Search assignment prior to certification, and is entitled to no benefits in the initial month of application, per 63-503.327, is still required to complete the assignment, and may be sanctioned for noncompliance.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 10

MANUAL REFERENCE: 63-407.811(c)(1)

SUBJECT: Deferrals - Lack of Child Care

DATE: February 19, 1988

QUESTION:

How is lack of child care defined? If someone lacks child care for a 14 year-old, are they deferred from participation in FSET?

ANSWER:

Lack of child care is defined in accordance with the good cause definitions in Section 63-407.57 (and by cross reference Section 63-408.41(j)). Lack of child care for children who have reached the age of six but are under twelve years of age is considered good cause for failure to comply with the work registration requirements. Therefore, a registrant cannot be deferred due to lack of child care for a 14 year-old.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 11

MANUAL REFERENCE: 63-407.55

SUBJECT: Length of sanction period

DATE: February 19, 1988

QUESTION:

If an individual or household (HH) is sanctioned and then leaves the food stamp program for another reason prior to the end of the sanction period, is the sanction lifted? If so, is it resumed when the individual or household reapplies for benefits at a later date?

ANSWER:

The period of disqualification is for two months and begins the first of the month following the expiration of the Notice of Adverse Action (NOAA). It is not lifted if benefits are terminated for another reason. If HH reapplies after the two months has expired, it can receive benefits if otherwise eligible.

If the HH reapplies before the two months is up, it will not be eligible until the sanction period expires, unless the disqualification is ended in accordance with 63-407.62.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 12

MANUAL REFERENCE: 63-407.82

SUBJECT: Participation - Application for recertification

DATE: February 19, 1988

QUESTION:

Is an applicant for recertification considered an "applicant" for FSET purposes? Would such a person be required to participate in the initial Applicant Job Search?

ANSWER:

No. An applicant for recertification is not considered an "applicant" for FSET purposes. Such a person would be subject only to Recipient Job Search, or other recipient requirements within the County's planned FSET program.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 13

MANUAL REFERENCE: 63-407.55
63-407.56

SUBJECT: Sanctions - move to another county

DATE: February 19, 1988

QUESTION:

1. If an individual or household under sanction moves to another county prior to the expiration of the sanction, is the sanction applied in the new county?
2. If an individual or household is under sanction for failure to comply with an FSET assignment, and moves to a county that is geographically excluded, i.e. does not have an FSET Program, does the sanction continue to apply?
3. If a household under sanction in another state applies for food stamps in California, must the sanction be applied?

ANSWER:

1. Yes, the sanction follows the individual or household. However, eligibility may be established in the second county if the sanction is "cured", in accordance with Section 63-407.62.
2. The Federal regulations require that all work-related sanctions be "curable". In a geographically excluded county there is no FSET Program, therefore there is no comparable work registrant requirement, and no opportunity to cure the sanction. Therefore, the sanction may not be applied, and the applicant must be certified, if otherwise eligible.
3. Yes, if the county is aware of a sanction imposed in another state, eligibility may not be established until expiration of the sanction, or until it is "cured". However, the county need not take any special measures to contact the previous state of residence, or to require proof of sanction-free status from an applicant. If the county is geographically excluded, see # 2. above.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 14

MANUAL REFERENCE: 63-407.623(d)

SUBJECT: Ending Disqualification

DATE: February 19, 1988

QUESTION:

In order to end a disqualification, the individual who caused the disqualification must comply with the assignment or another assignment. Must s/he complete the assignment, or just indicate willingness to comply?

ANSWER:

The individual must show a "good faith effort" to comply. S/he must actually resume compliance with the assignment, or an alternate assignment given by the County Welfare Department (CWD). When the CWD has received verification that compliance has resumed, benefits are reinstated. The person need not complete the entire remaining portion of the component in order for benefits to be reinstated.

The County may determine what is a reasonable cure effort. However, the cure requirement may not impose an undue burden on the participant, nor unnecessarily delay the issuance of benefits.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 15

MANUAL REFERENCE: 63-407.623

SUBJECT: Ending Disqualification

DATE: February 19, 1988

QUESTION:

When an individual who failed to comply with an FSET requirement wishes to "cure" the sanction, and resumes compliance with the assignment, when does eligibility begin? Is it as of the date of reapplication, date of compliance, or the date that the County Welfare Department (CWD) receives verification that compliance has resumed?

ANSWER:

If the entire household has been disqualified because of noncompliance by the principal work registrant (PWR), the eligibility worker would take no action on the application until the PWR (or the component operator, if applicable) provides verification that compliance has resumed. For a job search component, benefits are prorated from the date verification is received that the required number of job contacts have been made. If the component is other than job search, benefits are prorated from the date that compliance actually began (e.g. the date that the participant attended a job club workshop).

If the person who failed to comply is not the principal work registrant, that individual is added to the household effective the first of the month following the month in which verification is received, in accordance with MPP 63-504.353 or 63-504.422(b).

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 16

MANUAL REFERENCE: 63-407.21(a)(1)

SUBJECT: Exemptions - 16 and 17 year olds

DATE: February 19, 1988

QUESTION:

MPP 63-407.21(a)(1) states that a person age 16 or 17 who is not the head of the household, or who is attending school, or enrolled in an employment training program on at least a half-time basis is exempt from work registration. Under what circumstances, then, must a 16 or 17 year old be work registered?

ANSWER:

A 16 or 17 year old would be work registered only if he/she is the head of a household, as defined in 63-403.5, and is not exempt for under any reason specified in Section 63-407.21.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 17

MANUAL REFERENCE: 63-407.55
63-407.56

SUBJECT: Applicant failure to comply

DATE: February 19, 1988

QUESTION:

1. When an application for food stamps is denied because of failure to comply with the FSET requirements, does the two month sanction apply?
2. If the sanction is applicable, when does it start.

ANSWER:

1. Yes. The two month sanction period is applicable when an application is denied for noncompliance with work registration requirements. If the principal work registrant refuses or fails without good cause to comply with the requirements in Section 63-407.4, the household's application for Food Stamps is denied. In addition, it is disqualified from participation in the program for two months. The household is sent a Notice of Denial and a Notice of Disqualification simultaneously.

If the noncompliant individual is other than the principal work registrant, the remainder of the household is approved, if otherwise eligible, and the individual who failed to comply is sent a Notice of Disqualification.

2. The period of disqualification begins the first month following the expiration of the adverse notice period. Because of the requirement to provide a 10 day Notice of Adverse Action, the sanction period will end more than two months after the date of application. However, the disqualification can be avoided or ended in accordance with Section 63-407.62.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 18

MANUAL REFERENCE: 63-407.21(g)

SUBJECT: Exemption from Work Registration - Volunteers

DATE: February 19, 1988

QUESTION:

Is a person who is working as a volunteer for over 30 hours per week exempt from work registration?

ANSWER:

No, such persons are not exempt from work registration. According to Administrative Notice 88-21, issued January 26, 1988 by the Food and Nutrition Service, "...The intent of the work registration requirement is to promote the acquisition of gainful employment among program recipients, thereby reducing their dependency on program benefits. While the term 'work' is not specifically defined in the Act or regulation, it is clear that permitting a work registration exemption for individuals who volunteer their services at no charge would not satisfy this intent. Consequently, people who work as unpaid volunteers for a period of over 30 hours per week would not be exempted from the program's work registration requirements unless they meet other exemption criteria".

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 19

MANUAL REFERENCE: 63-407.623(d)

SUBJECT: Ending Disqualification - Refusal versus Failure to Comply.

DATE: February 19, 1988

QUESTION:

This manual section provides that a household member who refused to comply with an FSET assignment may end a disqualification by complying with that assignment or another assignment. It does not include someone who failed without good cause to comply. Does this mean that the cure provision is only applicable for someone who "refused", but not for someone who "failed" to comply?

ANSWER:

No. Any disqualification for noncompliance with the work registration requirements may be ended or avoided, regardless of whether the individual refused or failed without good cause to comply.

The State regulations, for the most part, are worded consistently with Federal regulations. In this instance, the Federal regulations were incomplete, due to oversight. SDSS has received clarification from the Food and Nutrition Service that the intent of the statute is that any sanction imposed as a result of noncompliance with the work registration requirements may be cured, whether it was caused by refusal or by failure to comply.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 20

MANUAL REFERENCE: 63-407.21(h)

SUBJECT: Work Registration Exemption - Student

DATE: March 1, 1988

QUESTION:

1. How is "half-time" enrollment defined, in order to determine whether a student may be exempted from work registration?
2. Does enrollment in a General Educational Development (GED) program or in another type of correspondence course confer student status to the person for purposes of work registration exemption?

ANSWER:

1. Half-time enrollment can be determined by one of two methods:
 - a. Determine the average number of hours a minor student spends in class in the local community. This number can then be compared to the number of hours that the specific student is in school. This method would be appropriate if the individual's school does not have standards to define "full-time".
 - b. Determine the number of hours which the student's school has accepted as full-time for a specific curriculum in which the student is involved, and divide the figure in half. This is appropriate for a student of higher education.
2. Enrollment in a GED or other correspondence course does not confer student status for purposes of Food Stamp work registration. Such courses do not require class attendance, and therefore, allow the participant to seek employment.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 21

MANUAL REFERENCE: 63-407.62
63-408.62

SUBJECT: Avoiding a Disqualification

DATE: March 11, 1988

QUESTION:

Can a disqualification for noncompliance with the work registrant requirements, (including FSET), or for voluntary quit, be avoided if the responsible individual complies prior to the beginning date of the disqualification?

ANSWER:

Yes, a disqualification for noncompliance with the work registrant requirements may be avoided if the violator meets the requirements of 63-407.621, .622, or .623 prior to the first month following the expiration of the adverse notice period.

A voluntary quit disqualification may be avoided if the violator meets the requirements of 63-408.621, .622, or .623 prior to the first month following the expiration of the notice period. If the household is an applicant household, and the sanction is cured before a decision is rendered on the application, the household should be certified, if otherwise eligible. The benefits would be prorated to the date the voluntary quit was cured. However, the application may be denied immediately on discovery of voluntary quit. In this instance, it is not necessary to allow the 30 day application period to expire before a decision is rendered.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 22

MANUAL REFERENCE: 63-407.52
63-407.53

SUBJECT: Concurrent Sanctions

DATE: March 3, 1988

QUESTION:

An individual who is not the principal work registrant (PWR) fails to comply with an FSET assignment in February. He is disqualified for the months of March and April.

The other work registrant in the household, who is the PWR, fails to comply in March. The entire household would be disqualified for the months of April and May.

Can there be overlapping sanctions, as there would be for the non-PWR individual in this case in the month of April, or must the sanctions be served consecutively?

ANSWER:

In this case, since the sanctions are for noncompliance with work requirements, the sanctions can be served concurrently. The sanctions on the non-PWR individual will overlap. The person who is serving an individual sanction will be disqualified for the months of March, April and May. He may end the disqualification for the month of March by resuming compliance with the requirement that was violated. In order to end his disqualification for the month of April, compliance must be resumed by both individuals. However, he cannot take action to end his disqualification for May. This can only be cured if the PWR resumes compliance.

FOOD STAMP EMPLOYMENT & TRAINING PROGRAM QUESTION NUMBER: 23

MANUAL REFERENCE: 63-407.56

SUBJECT: Notice of Adverse Action - multiple noncompliance

DATE: March 4, 1988

QUESTION:

Three mandatory participants in the same household fail without good cause to comply with the FSET program in the same month. One of them is the Principal Work Registrant (PWR). Since noncompliance by the PWR would disqualify the entire household, would it be necessary to send Notices of Disqualification to the other two individuals? If a notice is sent to the individuals who are not PWRs, the information given on how to end the disqualification is not relevant, since they cannot individually end the sanction by resuming compliance.

ANSWER:

A Notice of Disqualification (DFA 377.10) should be sent to all three. The County can report three "placement" counts upon issuance of three Notices of Adverse Action (NOAA's).

For the non-PWR individuals, the County should include written notice, on side one of the DFA 377.10, that the sanction can be ended only if the PWR **also** takes the appropriate action to resume compliance.